

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARVIN W. JOHNSON,

Defendant.

Case No. [92-cr-00497-EMC-1](#)

ORDER TO SHOW CAUSE

Defendant Marvin W. Johnson, previously pro se but now represented by the Federal Public Defender, has filed an amended motion to vacate pursuant to 28 U.S.C. § 2255.

Pursuant to the Federal Rules Governing Section 2255 Proceedings, the Court has conducted a preliminary review of the motion. *See* Fed. R. Governing § 2255 Proceedings 4 (providing that “[t]he judge who receives the motion must promptly examine it”). Based on this review, the Court cannot say that “it plainly appears from the motion . . . that the moving party is not entitled to relief.” *Id.* Accordingly, the Court hereby orders the United States to respond to the motion per the schedule below. *See id.* (providing that, “[i]f the motion is not dismissed, the judge must order the United States attorney to file an answer, motion, or other response within a fixed time, or to take other action the judge may order”).

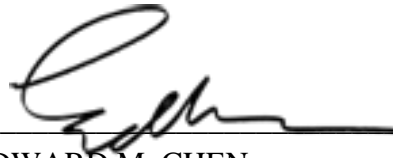
1. The Clerk of the Court shall serve a courtesy copy of this order on the United States.
2. The United States shall file a response to Mr. Johnson’s motion within sixty (60) days of the date of this order.
3. If the United States files an answer, it must conform to Rule 5 of the Federal Rules Governing § 2255 Proceedings. If the United States files an answer, Mr. Johnson may submit a

1 reply within ninety (90) days of the date of this order.

2 4. If the United States responds with, *e.g.*, a motion to dismiss or any other motion for
3 relief, the parties shall meet and confer to discuss a mutually agreeable briefing schedule.

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5 **IT IS SO ORDERED.**

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7 Dated: August 30, 2016

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10 EDWARD M. CHEN
11 United States District Judge